

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TOEHL HARDING,

*Plaintiff,*

– against –

DAVID NASEMAN,

*Defendant.*  
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Hon. Robert P. Patterson

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07-CV-08767(RPP)

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**NOTICE OF MOTION**

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**PLEASE TAKE NOTICE** that upon the annexed: (i) declaration of Peter B. Schalk, dated August 1, 2008, and the exhibits annexed thereto; and (ii) the accompanying memorandum of law, dated August 1, 2008, Plaintiff Toehl Harding will move this Court, before the Honorable Robert P. Patterson, U.S.D.J., in the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, 10007, on such a day and time when counsel may be heard, for an Order (i) to dismiss the counterclaim of Defendant David Naseman, pursuant to Fed. R. Civ. P. 12(c), in so far as it seeks attorneys' fees; with (ii) such other and further relief as this Court deems just and proper.

Dated: New York, New York  
August 1, 2008

Yours, etc.,  
JUDD BURSTEIN, P.C.

By: 

Peter B. Schalk (PBS-8257)

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